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EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/287,402	CRINON, REGIS J.	
	Examiner	Art Unit	
	Hai Tran	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/02/2006 has been entered.

Response to Arguments

Applicant's arguments filed 05/02/2006 have been fully considered but they are not persuasive.

Applicant argues, "While apparently functional, the use of the private data provision of the MPEG-2 multiplexed data stream results in difficulty precisely knowing the appropriate value of the PTS time stamp value beforehand. For example, the author of the metadata video content will not likely have an accurate value for what the PTS tag is when the content is authored, which may be on a different day than the other content."

In response, the Examiner respectfully disagrees with Applicant reasoning because when the video content is authored, the author works with the PTS associated with the video content so the annotation will appear during playback of the video content. As such, the annotation will have the same PTS value of the video content is

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authored. Srinivasan further teaches another technique used is to rewrite the PTS of anyone stream based on the real PTS of the other and the difference in time of the two streams so to avoid timing problem regardless of the time when the content is authored (Col. 38, lines 13-63).

Applicant further argues, " claim1 patentability distinguishes over Srinivasan et al. by claiming that the document includes a structure for receiving a time stamp value associated with the video element is a Packetized elementary stream."

In response, the Examiner respectfully disagrees with Applicant because one of ordinary skill in the art would recognize that the video data stream encoded with MPEG-2 comprises packetized elementary stream with its associated PTS. Moreover, Srinivasan ' s document (metadata) includes a structure for receiving a time stamp value associated with the video element is a Packetized elementary stream (see Col. 39, lines 12-22).

As to Applicant argument, "claim 1 further patentability distinguishes over Srinivasan et al. by claiming that the document is not provide using a private data provision of the MPEG-2 multiplexed data stream."

In response, the Examiner confuses because the Examiner does not understand what Applicant try to convey by claiming that "the document is not provide using a private data provision of the MPEG-2 multiplexed data stream". The Examiner could not find any disclosure of the claimed limitation in the Applicant specification. As such Applicant's argument is moot.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended limitation "where said document is not provided using a private data provision of the MPEG-2 multiplexed data stream" in claim 1, lines 5-6; claim 6, lines 7-8; and claim 11, lines 12-14.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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1. Claims 1-7, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al. (US 6357042).

Claim 1, Srinivasan discloses a method of displaying a document together with a 1st time stamp specified display of a video element comprising the step of:

Providing the document (annotation stream/metadata) wherein the document includes a structure for receiving a 1st time stamp value associated with the video element in a Packetized elementary stream (each frame of the video is associated with a PTS signature according to MPEG-2 standard; Col. 4, lines 9-15; Col. 36, lines 25-32; Col. 39, lines 49-50) , where the document is not provided using a private data provision of the MPEG-2 multiplexed data stream (reads on the annotation data stream is encoded separately, as a private data stream, from the video content; Col. 13, lines 65-Col. 14, lines 1), wherein the combination of the document and the structure for receiving the first time stamp value is provided in a Packetized elementary stream together with an associated presentation time stamp value(video stream and annotation stream/metadata is encoded according to MPEG standard; Col. 13, lines 65-Col. 14, lines 1 and Col 39, lines 13-20);

Inserting the presentation time stamp value into the structure (Col. 37, lines 45-49; Col 39, lines 13-20; Col. 40, lines 1-3) ;

Reading the presentation time stamp value in the document (Col. 36, lines 43-46; lines 65-Col. 37, lin1; and Col. 38, lines 33-36); and

At least one of the providing and signaling the availability of the document to a viewer in accordance with the presentation time stamp (Col. 4, lines 35-37).

Claim 2, Srinivasan further discloses wherein the availability of the document is signaled by displaying the document (annotation, metadata, ads, or thumbnails; Col. 36, lines 13-15; lines 18-21; lines 66-67+; Col. 37, lines 35-41).

Claims 3 and 9, Srinivasan further discloses wherein the availability of the document is signaled by displaying to the viewer a notice of the availability to which the viewer may respond by causing the display of the document (Col. 36, lines 66-Col. 37, lines 8).

Claim 4, Srinivasan further discloses wherein the presentation time stamp value is encoded in a data packet with the document before the data packet is transmitted (Col. 36, lines 25-32; Col. 37, lines 35-41; Col. 39, lines 49-50).

Claim 5, Srinivasan further discloses wherein the presentation time stamp value is inserted into the structure after the document is transmitted (see Fig. 7 and 8, el. 49 in which the document is transmitted from headend 45 and wherein the PTS is inserted into the metadata at Authoring system 51 after the document is transmitted from the headend; Col. 39, lines 49-50).

Claim 6, Srinivasan discloses a method of displaying a document (annotation/metadata with thumbnail markers as selectable feature about Ads) together with a time stamp specified display of video element (Col. 36, lines 65-Col. 37, lines 8 and Col. 37, lines 35-41) comprising the steps of:

Providing the document (annotation stream/metadata) including a structure for receiving a 1st time stamp value specifying a display time for the document (each frame of the video is associated with a PTS signature; Col. 4, lines 9-15; Col. 36, lines 25-32; Col. 39, lines 49-50);

Reconstructing the document from the first data packet (Col. 36, lines 10-21; Col. 38, lines 18-25)

As to "Encoding in a Packetized Elementary Stream a first data packet (video) comprising a payload containing the document together with an associated presentation time stamp value, where the document is not provided using a private data provision of the MPEG-2 multiplexed data stream; and Encoding in a Packetized Elementary Stream a second packet (audio) comprising the 1st time stamp value and a target datum in either the video or audio element", Srinivasan must encodes the corresponding video/audio/annotation data stream into Packetized Elementary Stream as shown in Fig. 7 and 18 according to MPEG standard (note: Video' s time stamp, Audio' s time stamp and Associated data' s time stamp are all derived from Video time stamp; Note: "where the document is not provided using a private data provision of the MPEG-2 multiplexed data stream" reads on the annotation data stream is encoded separately, as a private data stream, from the video content; Col. 13, lines 65-Col. 14, lines 1)

limitation "capturing the presentation time stamp value from the first data packet; Inserting the presentation time stamp value into the structure for receiving

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the (1st time stamp value" is further met by Srinivasan (Col. 38, lines 9-25 and Col. 9, lines 13-22)

Regarding claim 7, Srinivasan further discloses wherein the availability of the document is signaled by displaying the document (annotation, metadata, ads, or thumbnails; Col. 36, lines 13-15; lines 18-21; lines 66-67+; Col. 37, lines 35-41).

Regarding claim 10, Srinivasan further discloses transmitting the first (Video) and second (Audio) data packets to a receiver in which the corresponding video/audio/annotation data stream are encoded into Packetized Elementary Stream as shown in Fig. 7 and 18; Col. 6, lines 44-52 (note: Video' s time stamp, Audio' s time stamp and Associated data' s time stamp are all derived from Video time stamp)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US 6357042) in view of Harrison et al. (US 6064420).

Regarding claim 8, Srinivasan further discloses including in the document (annotation/metadata/ads) does not clearly disclose a display time interval and

terminating the display of the document at a time specified by the display time interval and the time stamp value.

Harrison further discloses including in the document (associate data) a display time interval and terminating the display of the document (associate data) at a time specified by the display time interval and the time stamp value" (time code and time duration; Col. 5, lines 2-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan to include a time display interval, as taught by Harrison, so to enhance the quality and content of the primary information stream with corresponding targeted associated data (see Field of the invention).

3. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US 6357042) in view of Eyer (US 5982445).

Regarding claim 11, with respect to analysis of claim 1, Srinivasan further discloses "a document server" (i.e. el. 267 of Fig. 18 , see Col. 35, lines 48-60; Col. 37, lines 9-13) for delivering the document (annotation/metadata) including a structure for receiving a 1st time stamp value as a first data stream to a packet assembler said delivery being coordinated with the arrival of a target datum in a second data stream representing said at least one of a video stream element and an audio element; "a packet assembler" for encoding in a Packetized Elementary Stream a first data packet having, together with an associated PTS value, a payload

comprising a data unit representing the document (annotation/metadata) and the 1st time stamp value specifying a time for displaying the document (annotation/metadata); and a second data packet comprising the target datum and the 1st time stamp value, where the document is not provided using a private data provision of the MPEG-2 multiplexed data stream”; “a packet disassembler for separating the data unit and the 1st time stamp value from the first data packet”; and “a time stamp loader to insert the presentation time stamp value into the structure for receiving the 1st time stamp value” in order to perform the method as discussed in claim 1 in which a client/set-top box receives incoming packets video/audio/associated packets and presents them accordingly to user.

As to limitation “a parser to reconstruct the document from the data unit” and “a data presentation engine to read the document”, Srinivasan does not clearly disclose it.

Eyer discloses a parser and presentation engine (browser) to reconstruct the document from the data unit (Fig. 2; element 220, 215; Col. 8, lines 44-48 and Col. 9, lines 13-21);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan to include a parser and data presentation engine (Browser); as taught by Eyer; so to identify displayable objects and display instructions from HTML codes so that a browser could display corresponding HTML pages to viewers.

Regarding claim 12, Srinivasan further discloses wherein the availability of the document (annotation/metadata/thumbnails with images of related ads) is signaled by displaying the document (displays buttons with images of related ads; Col. 36, lines 13-15; lines 18-21; lines 66-67+; Col. 37, lines 35-41).

Regarding claim 13, Eyer further discloses a storage device to store the reconstructed document (Fig. 2; element 210; Col. 11, lines 8-12) and a command device enabling the viewer to cause the display of the document (Fig. 2; element 232; Col. 9, lines 1-5 & 46-50).

Regarding claim 14, Srinivasan further meets the limitation "further comprising a transmission and receiving system for transferring data packets to a receiver" (see Fig. 7, 16 and 18).

Conclusion

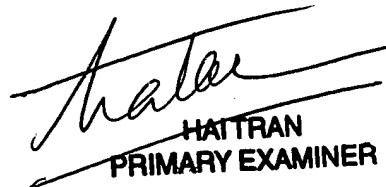
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
06/23/2006


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PRIMARY EXAMINER